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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,270	07/12/2000	William A. Cooper	11348.36US01	2127

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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,270

Applicant(s)

COOPER, WILLIAM A.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 45-66 are pending in this communication filed 12/21/05 entered as Response after Non-Final Action.
2. The 35 USC 101 Rejection of claims 45-66 is hereby withdrawn in view of Applicant's arguments and the recent *In re Lundgren* decision BPAI Case Nos. 2003-2088 Sept. 28, 2005 (*per curium*, Smith, APJ, dissenting; Barrett, APJ, concurring).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 45-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 45 and 56 reference a "consideration-bearing bank account", "providing a time window for a user to provide funds for the transaction card purchases", and "a communication protocol implemented with the user during the time window". One can merely presume these limitations are present and supported by the Specification. There is not any clear indication that these limitations are in Applicant's Specification. Applicant is respectfully requested to particularly point out where these limitations are found or suggested in the Specification. Claims 44-54 and 57-66 that depend from claims 45 and 56 are also rejected under 35 USC 112, first paragraph.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 45, 48, 51- 53, 55, 56, 59, 62- 64, and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It cannot be determined from Applicant's Specification what Applicant means by "consideration-bearing banking account".

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in Figure 1 reference character "14" has been used to designate both "AVAILABLE DEFERED BALANCE VERIFIED" and "amount of purchase checked"; in Figure 2 reference character "22" has been used to designate both "POSTING FILE RECEIVED" and "Posting file"; reference character "26" has been used to designate "TRANSACTION ADDED TO DEFFERED HISTORY", "deferred transaction", "billing record" and "billing history"; and reference character "28" has been used to designate both "MONTHLY LIMITS UPDATED" and "spending limit balance updated"; and Figure 3 reference character "32" has been used to designate both "MONTHLY DEFERRED LIMITS RESET" and "spending limit reset". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

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being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The Specification is objected to because Figure 5, elements "52" and "58" are not found in the description of Figure 5. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 45-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,343,279) Bissonette et al, hereafter Bissonette in view of (US 6,038,552) Fleischl et al, hereafter Fleischl.

As per claims 45 and 56, Bissonette teaches, A purchase transaction system and method for managing transaction cards issued to respective users relative to their status at a banking institution at which they hold a consideration-bearing banking account, the system comprising a computer arrangement configured and arranged, for each user, for: monitoring a transaction balance of the user's consideration-bearing banking account (col. 3, lines 16-34); notifying when the consideration-bearing bank

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account is below a threshold (col. 5, lines 34-57); establishing a transaction card purchase limit as a function of the transaction balance of the consideration-bearing bank account (col. 3, lines 1-15); tracking purchases against the transaction cards as a function of the transaction card purchase limit (col. 6, lines 8-30); and at the end of a billing cycle (col. 11, lines 5-36): issuing a statement to each user indicating a balance in the consideration- bearing banking account and transaction card purchases occurring during the billing cycle (col. 11, lines 51-67). Bissonette failed to teach, providing a time window for users to provide funds for the transaction card purchases, and for each user, automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window. Fleischl teaches, providing a time window for users to provide funds for the transaction card purchases (col. 4, lines 1-15), and for each user, automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window (col. 4, lines 40-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a time window for users to provide funds for the transaction card purchases, and for each user, automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window and to incorporate in Bissonette because such an incorporation would allow Bissonette to have the transaction statement with a transaction balance

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corresponding to the authorized transactions to be in a given billing cycle (for example, a one month cycle -a time window).

As per claims 46 and 57, Bissonett teaches, wherein the computer arrangement is further configured and arranged, for each user, for: re-establishing the transaction card purchase limit as a function of tracked purchases against the transaction card (col. 5, line 34-col. 6, line 7).

As per claims 47 and 58, Bissonette teaches, wherein the computer arrangement is further configured and arranged, for each user, for: re-establishing the transaction card purchase limit when the statement has been issued (col. 6, line 46-col. 7, line 31).

As per claims 48 and 59, Bissonette teaches, wherein the computer arrangement is further configured and arranged, for each user, for: tracking withdrawals against the transaction cards as a function of the transaction card purchase limit (col. 7, lines 7-31); wherein issuing a statement to each user indicating a balance in the consideration-bearing banking account and transaction card purchases occurring during the billing cycle includes issuing a statement indicating the withdrawals occurring during the billing cycle (col. 8, lines 33-61). Bissonette failed to teach, wherein providing a time window for users to provide funds for the transaction card purchases includes providing a time window for users to provide funds for the withdrawals; and wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes automatically transferring funds for the withdrawals reflected on the statement as a function of the withdrawals and a

communication protocol implemented with the user during the time window. Fleischl teaches, wherein providing a time window for users to provide funds for the transaction card purchases includes providing a time window for users to provide funds for the withdrawals (col. 5, line 46-col. 6, line 22); and wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes automatically transferring funds for the withdrawals reflected on the statement as a function of the withdrawals and a communication protocol implemented with the user during the time window (col. 6, lines 12-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a time window for users to provide funds for the transaction card purchases including providing a time window for users to provide funds for the withdrawals; and wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes automatically transferring funds for the withdrawals reflected on the statement as a function of the withdrawals and a communication protocol implemented with the user during the time window and to incorporate in Bissonette because such an incorporation would allow Bissonette to determine the balance of funds available in the account and to determine after the account has been debited by the requested amount if the funds are above the predetermined limit with the user being provided the ability to transfer funds from one account to another account.

As per claims 49 and 60, Bissonette teaches, wherein the computer arrangement is further configured and arranged for managing purchases for the transaction card (col. 9, lines 19-25).

As per claims 50 and 61, Bissonette failed to teach, wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes transferring funds from a source designated by the user during the time window. Fleischl teaches, wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes transferring funds from a source designated by the user during the time window (col. 6, lines 12-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically transfer funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes transferring funds from a source designated by the user during the time window and to incorporate in Bissonett because such an incorporation would allow Bissonette to have the ability to transfer funds to an account via a wire transfer in order to have sufficient funds in the account to cover any transactions during a billing cycle.

As per claims 51 and 62, Bissonette failed to teach, wherein automatically transferring funds for the transaction card purchases reflected on the statement as a

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function of the transaction card purchases and a communication protocol implemented with the user during the time window further includes transferring funds from the consideration-bearing banking account. Fleischl teaches, wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window further includes transferring funds from the consideration-bearing banking account (col. 5, line 46-col. 6, line 51).

As per claims 52 and 63, Bissonette failed to teach, wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes automatically transferring funds from the consideration-bearing banking account in response to the user providing insufficient funds for all of the transaction card purchases. Fleischl teaches, wherein automatically transferring funds for the transaction card purchases reflected on the statement as a function of the transaction card purchases and a communication protocol implemented with the user during the time window includes automatically transferring funds from the consideration-bearing banking account in response to the user providing insufficient funds for all of the transaction card purchases (col. 4, lines 40-58).

As per claims 53 and 64, Bissonette failed to teach, wherein the consideration-bearing banking account is at least one of: an interest-bearing banking account; a checking account and a savings account. Fleischl teaches, wherein the consideration-

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bearing banking account is at least one of: an interest-bearing banking account; a checking account and a savings account (col. 2, lines 18-35).

As per claims 54 and 65, Bissonette and Fleischl failed to teach, wherein the computer arrangement is further configured and arranged for setting the threshold for each user as a function of a fixed value, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the computer arrangement to be further configured and arranged for setting the threshold for each user as a function of a fixed value and to incorporate in Bissonette in view of Bissonette's teaching of ensuring that credit card transactions conform with the standard budget, financial planning, and general ledger controls used for standard financial transactions and to incorporate in Bissonette because such an incorporation would allow Bissonette to have the ability to balance the ledger and the transaction accounts of the users.

As per claims 55 and 66, Bissonette wherein the computer arrangement is further configured and arranged for recording the tracked purchases against the transaction cards in a deferred transaction billing record and wherein issuing a statement to each user indicating a balance in the consideration-bearing banking account and transaction card purchases occurring during the billing cycle includes issuing a statement indicating a balance in the deferred transaction billing record (col. 3, line 28-col. 4, line 14).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

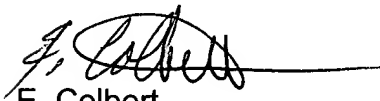
Carrithers et al (W0 9629668) disclosed a debit card system with each debit card assigned to one participant with a unique account number.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


E. Colbert
Primary Examiner
February 27, 2006